

**ARCHER & GREINER, P.C.**

Thomas J. Herten, Esq.  
LisaAnne R. Bicocchi, Esq.  
21 Main Street, Suite 353  
Hackensack, New Jersey 07601  
Tel. (201) 342-6000 Ext. 211  
Fax (201) 342-6611  
therten@archerlaw.com  
lbicocchi@archerlaw.com

**SEYFARTH SHAW LLP**

Frederick T. Smith, Esq. (*pro hac vice* forthcoming)  
Megan H. Poonolly, Esq. (*pro hac vice* forthcoming)  
Esther Slater McDonald, Esq. (*pro hac vice* forthcoming)  
1075 Peachtree Street, N.E., Suite 2500  
Atlanta, Georgia 30309-3958  
Telephone: (404) 885-1500  
fsmith@seyfarth.com  
mpoonolly@seyfarth.com  
emcdonald@seyfarth.com

*Attorneys for Defendant  
First Advantage Background Service Corp.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

STEVEN-ANN MUIR, for herself and all  
others similarly situated,

Plaintiff,

v.

EARLY WARNING SERVICES, LLC;  
WELLS FARGO BANK, N.A.; BANK OF  
AMERICA, NATIONAL ASSOCIATION;  
FIRST ADVANTAGE BACKGROUND  
SERVICES CORP.; and JOHN DOES 1-10,

Defendants.

Case No. 2:16-cv-00521-SRC-CLW

MOTION DATE: June 20, 2016

[ORAL ARGUMENT REQUESTED]

**DEFENDANT FIRST ADVANTAGE  
BACKGROUND SERVICES CORP.'S  
NOTICE OF MOTION TO DISMISS  
COUNTS IV AND V OF PLAINTIFF'S  
FIRST AMENDED COMPLAINT**

TO: ALL COUNSEL OF RECORD

**PLEASE TAKE NOTICE** that pursuant to Federal Rule Civil Procedure 12(b)(6), the undersigned attorneys for Defendant First Advantage Background Services Corp. (“Defendant”) will move before the Honorable Stanley R. Chesler, U.S.D.J., at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order dismissing Counts IV and V of Plaintiff’s First Amended Complaint, with prejudice; and

**PLEASE TAKE FURTHER NOTICE** that in support of the instant Motion, Defendant relies upon the Defendant First Advantage Background Services Corp.’s Memorandum of Law in Support of Its Motion to Dismiss Count IV and V of Plaintiff’s First Amended Complaint, Declaration of Thomas J. Herten, Esq. in Support of Defendant First Advantage Background Services Corp.’s Motion to Dismiss Counts IV and V of Plaintiff’s First Amended Complaint and exhibits annexed thereto, and Compendium of Unreported Decisions Cited in Defendant First Advantage Background Services Corp.’s Memorandum of Law in Support of Its Motion to Dismiss Count IV and V of Plaintiff’s First Amended Complaint, and upon all prior pleadings and proceedings herein; and

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is attached.

ARCHER & GREINER, P.C.

By: /s/ Thomas J. Herten

Thomas J. Herten, Esq.  
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*Attorneys for Defendant First Advantage  
Background Services Corp.*

Dated: May 23, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on May 23, 2016, I caused the electronic submission of the foregoing NOTICE OF MOTION, DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO DISMISS COUNTS IV AND V OF PLAINTIFF'S FIRST AMENDED COMPLAINT, CERTIFICATION OF THOMAS J. HERTEN WITH EXHIBITS A THROUGH C, COMPENDIUM OF UNREPORTED DECISIONS, AND PROPOSED ORDER, to the Clerk's Office using the CM/ECF System, which sent notification of such filing to all counsel of record.

/s/ Thomas J. Herten

Thomas J. Herten, Esq.